

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

**FILED**

FEB 22 2019

Clerk, U.S. District Court  
District Of Montana  
Missoula

RORY SHANE DAVIS, SR.,

Plaintiff,

vs.

PAUL REES—PHYSICIAN, “JOHN  
DOE” HEALTHCARE  
CORPORATION, SPECIAL NEEDS  
COMMITTEE and CATHY  
REDFERN,

Defendants.

CV 18–40–H–DLC–JTJ

ORDER

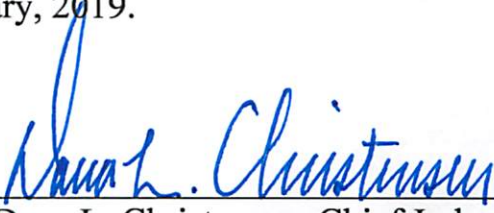
United States Magistrate Judge John T. Johnston entered his Order and Findings and Recommendations on January 31, 2019, recommending that the Court grant Defendant Cathy Redfern’s motion for summary judgment. (Doc. 19.) Davis failed to timely object to the Findings and Recommendations, and so waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court reviews for clear error those findings and recommendations to which no party objects. *See Thomas v. Arn*, 474 U.S. 140, 149–53 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been made.” *Wash. Mut., Inc. v. United States*, 856 F.3d 711, 721 (9th Cir. 2017) (citation omitted).

Having reviewed the Findings and Recommendations (Doc. 19), the Court finds no clear error in Judge Johnston's recommendation that the Court grant Redfern's motion for summary judgment. Redfern was not employed with the Montana Department of Corrections at the time of the events giving rise to this action.

Accordingly, IT IS ORDERED that:

- (1) Judge Johnston's Findings and Recommendations (Doc. 19) is ADOPTED IN FULL;
- (2) Defendant Cathy Redfern's Motion for Summary Judgment (Doc. 14) is GRANTED; and
- (3) Defendant Redfern is DISMISSED as a defendant in this action.

DATED this 22<sup>nd</sup> day of February, 2019.

  
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Dana L. Christensen, Chief Judge  
United States District Court